

Francisco Javier Estrada,	)	No. CV 08-1358 PHX-NVW (LOA)
	)	
Petitioner,	)	
	)	<b>ORDER</b>
v.	)	
	)	
Warden Ricardo Chavez,	)	
	)	
Respondent.	)	

The court has considered the objections and reviewed the Report and Recommendation de novo. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the court must make a de novo determination of those portions of the Report and Recommendation to which specific objections are made). The court agrees with the Magistrate Judge's determinations, accepts the recommended decision within the meaning of Rule 72(b), Fed. R. Civ. P., and overrules Petitioner's objections. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in

1 part, the findings or recommendations made by the magistrate”).


2       Insofar as the Magistrate Judge also ruled on any non-dispositive matters, error  
3 may not be assigned to any defect in those rulings to the extent that an aggrieved party  
4 did not file a timely objection. Fed. R. Civ. P. 72(a) (“A party may serve and file  
5 objections to the order within 10 days after being served with a copy [of the magistrate’s  
6 order]. A party may not assign as error a defect in the order not timely objected to.”). The  
7 absence of a timely objection precludes later assignment of error in this court or in any  
8 higher court of the non-dispositive rulings of a magistrate judge. *Simpson v. Lear*  
9 *Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996); *Philipps v. GMC*, 289 F.3d 1117,  
10 1120-21 (9th Cir. 2002).

11       IT IS THEREFORE ORDERED that the Report and Recommendation of the  
12 Magistrate Judge (Doc. # 20) is accepted.

13       IT IS FURTHER ORDERED that Petitioner’s Motions for Discovery (Doc. # 17)  
14 and Motion to Amend (docketed as # 19, but appearing at page 20 of Doc. # 18) are  
15 denied.  
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17       IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying  
18 Petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241  
19 (Doc. # 1). The Clerk shall terminate this action.

20       DATED this 14<sup>th</sup> day of May, 2009.

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24 Neil V. Wake  
25 United States District Judge  
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